UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,174	02/28/2002	Frances Jiang	29250-000571/US	4800

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JOO, JOSHUA

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/084,174	JIANG ET AL.
	Examiner	Art Unit	
	Joshua Joo	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-17 and 19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-17 and 19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 April 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 4

Response to Amendment filed 8/2/2006

1.   Claims 1-10, 12-17, 19 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 8/2/2006 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-10, 12-17, 19 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

     i)   Regarding claims 1, 12, and 19, the limitation of "the bit" lacks proper antecedent basis.
            If "the bit" is in reference to "at least one bit", it is unclear as to which bit, "the bit" is
            referring to if the token includes more than one bit.

     ii)   Regarding claim 9, the limitation of "after negotiations are complete" is unclear because
            claims 1 and 4 explicitly state the limitation of "without negotiating parameters".
            Therefore, it is unclear as to what negotiations are completed when the preceding claims
            state parameters were not negotiated.

iii)   Regarding claim 10, the limitation of "after negotiations are complete" is unclear because claim 1 explicitly·states the limitation of, "without negotiating parameters". Therefore, it is unclear as to what negotiations are completed when the preceding claim states parameters were not negotiated.

iv)   Regarding claim 17, the limitation of "after negotiations are complete" is unclear because claim 12 explicitly states the limitation of, "without negotiating a parameter group". Therefore, it is unclear as to what negotiations are completed when the preceding claim states a parameter group was not negotiated.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1, 2, 4, 7, 12, 15, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Immonen et al, US Publication #2002/0132611 (Immonen hereinafter, in view

of Rasanen, US Publication #2005/0286418 (Rasanen hereinafter)

8.   As per claims 1 and 19, Immonen teaches substantially the invention as claimed

including a method for configuring negotiation in a data communication system, Immonen's

teachings comprising:

receiving, at an access network, an access request and a token from an access

terminal, the token associating with a parameter group type indicating whether the access

terminal is operating according to a default parameter group for the associated parameter group

type (Paragraph 0048. Receive connection request. Paragraph 0047; 0052-0053; 0080-0081.

Request indicates if a specific QoS profile is requested or not, and type of class. Claim 7.

Values of attributes are not indicated);

sending information to and receiving information from the access terminal according to

the default parameter group without negotiating parameters for the associated parameter group

type when a portion of the access network communicating with the access terminal operates

according to the default parameter group for the associated parameter group type and the

request indicates the access terminal operates according to the default parameter group for the

associated parameter group type (Paragraph 0053. Default profile is used for the requested

connection.).

9.   Immonen teaches substantial features of the claimed invention including an access

request indicating whether the access terminal is operating according to a default parameter

group. However, Immonen does not explicitly teach of using a token including a plurality of bits,

each bit associated with a different parameter group type for indicating whether the access

terminal is operating according to a default parameter group.

10.   Rasanen teaches a similar system comprising a bit (0 or 1) for indication of a parameter

(Paragraph 0053).

11.   Since Immonen teaches that the request may indicate whether the access terminal

operates according to a default parameter for at least one service attribute (Claim 7), and the

quality of service control comprises a plurality of service attributes (Paragraph 0046), it would

have been obvious to one of ordinary skill in the art that the request may indicate whether the

access terminal operates according to a default parameter for the plurality of service attributes.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Immonen and Rasanen because the teachings

of Rasanen to use a bit for indication of a parameter would improve the system of Immonen by

transmitting a small unit of data to indicate the access terminal's parameters to the service gateway support node (SGSN).

12.   As per claim 12, Immonen teaches substantially the invention as claimed including a method for configuration negotiation in a data communication system, Immonen's teachings comprising:

receiving, at an access network, an access request and a token from an access terminal, indicating whether the access terminal is operating according to a default parameter group for the associated parameter group type (Paragraph 0048. Receive connection request. Paragraph 0047; 0052-0053; 0080-0081. Request indicates if a specific QoS profile and attributes are requested or not, and type of class.);

first accessing memory at the access network when the bit indicates the access terminal is not operating according to the default parameter group type to obtain a stored parameter group of the associated parameter group type for the access terminal (Paragraph 0047. Subscriber specific profile is stored for each subscriber. Paragraph 0057-0058. Use specific QoS profile requested by the user.); and

sending information to and receiving information from the access terminal according to the accessed parameter group of the associated parameter group type for the access terminal without negotiating a parameter group of the associated parameter group type when a portion of the access network communicating with the access terminal operates according the accessed parameter group for the associated parameter group type (Paragraph 0057-0058. Use specific QoS profile for connection.), wherein the token includes different parameter group types (Paragraph 0057; Claim 2. Request indicates values of attributes.).

13.   Immonen teaches substantial features of the claimed invention including an access request indicating whether the access terminal is operating according to a default parameter group. However, Immonen does not explicitly teach of using a token including a plurality of bits, each bit associated with a different parameter group type for indicating whether the access terminal is operating according to a default parameter group.

14.   Rasanen teaches a similar system comprising a bit (0 or 1) for indication of a parameter (Paragraph 0053).

15.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen and Rasanen because the teachings of Rasanen to use a bit for indication of a parameter would improve the system of Immonen by transmitting a small unit of data to indicate the access terminal's parameters to the service gateway support node (SGSN).

16.   As per claim 2, Immonen teaches the method of claim 1, wherein a parameter group type is a type of protocol, and a parameter group in the parameter group type is a specific protocol in the parameter group type (Paragraphs 0046-0047. SDU size, BER, bitrate, etc... Claim 2 ; Paragraph 0058. Specific values. Paragraph 0064. VoIP, video streaming.).

17.   As per claim 4, Immonen teaches the method of claim 1, further comprising:

        first accessing memory at the access network when the bit indicates the access terminal is not operating according to the default parameter group to obtain a stored parameter group of the associated parameter group type for the access terminal (Paragraph 0048; 0056-0057. Obtain subscriber specific service profile.); and

sending information to and receiving information from the access terminal according to the accessed parameter group of the associated parameter group type for the access terminal without negotiating a parameter group of the associated parameter group type when a portion of the access network communicating with the access terminal operates according the accessed parameter group for the associated parameter group type (Paragraph 0057-0058. Subscribed attributes are used to activate connection.).

18.   As per claims 7 and 15, Immonen and Rasanen taught of the bit indicating the access terminal is not operating according to a default parameter group. Immonen further teaches the method of claim 4, further comprising: second accessing memory at another access network to obtain a stored parameter group of the associated parameter group type for the access terminal when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal and the bit indicates the access terminal is not operating according to a default parameter group (Paragraph 0048. Access subscriber specific profile from the HLR if not at the SGNS).

19.   Claims 3, 5-6, 8-10, 13, 14, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Immonen and Rasanen, in view of Bender et al, US Patent #6,539,030 (Bender hereinafter).

20.   As per claims 3 and 13, Immonen teaches the method of claim 1, further comprising: sending information to and receiving information from the access terminal after determining a parameter group for the associated parameter group type (Paragraph 0057-0058. Activate connection.) when (i) the portion of the access network communicating with the access terminal operates according to a parameter group other than the default parameter group for the

associated parameter group type and the bit indicates the access terminal operates according

to the default parameter group for the associated parameter group type, or (ii) the portion of the

access network communicating with the access terminal operates according to the default

parameter group for the associated parameter group type and the bit indicates the access

terminal operates according to a parameter group other than the default parameter group for the

parameter group type (Paragraph 0056-0058. User equipment's request indicates specific

values, user profile.).

Immonen further teaches of an access terminal requesting a stored profile and specific

parameters (Paragraph 0053; 0057); and the access network determining parameters when the

access terminal operates other than the default parameters (Paragraph 0058). However,

Immonen does not teach of negotiating a parameter group.

21.   Bender teaches a similar system comprising negotiating parameters between an access

terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

22.   It would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of Immonen, Rasanen, and Bender because the teachings of

Bender to negotiate parameters between the access terminal and the access network would

improve the system of Immonen and Rasanen by allowing the access terminal to set and accept

values for each protocol for communication (Col 15, lines 1-8).

23.   As per claim 5, the Immonen teaches the method comprising sending information to and

receiving information from the access terminal after the access network determines a parameter

group of the associated parameter group type when the portion of the access network does not

operate according to the stored parameter group (Paragraph 0053; 0057-0058). However,

Immonen does not teach of negotiating a parameter group of the associated parameter group type when the portion of the access network communicating with the access terminal operates according to a parameter group of the associated parameter group type which is different from the stored parameter group of the associated parameter group type for the access terminal.

24.   Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

25.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender because the teachings of Bender to negotiate parameters between the access terminal and the access network would improve the system of Immonen and Rasanen by allowing the access terminal to set and accept values for each protocol sent by the access network for communication (Col 15, lines 1-8).

26.   As per claims 6 and 14, Immonen teaches of accessing stored parameter group, i.e. service attributes. However, Immonen does not teach the method of claim 4, further comprising: sending information to and receiving information from with the access terminal after negotiating a parameter group of the associated parameter group type when the first accessing step fails to access a stored parameter group of the associated parameter group type for the access terminal.

27.   Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

28.   Even though Immonen does not explicitly teach of failing to access a stored parameter group, it would have been obvious to one of ordinary skill in the art that the access terminal

would not be able to obtain a stored parameter group, i.e. fail to access a stored parameter, if the access terminal does not initially have a stored parameter group. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender because the teachings of Bender to negotiate parameters between the access terminal and the access network would improve the system of Immonen and Rasanen by allowing the access terminal to set and accept values for each protocol sent by the access network for communication (Col 15, lines 1-8).

29.   As per claim 8 and 16, Immonen teaches of accessing a SGSN and HLR for the subscriber specific service profile. However, Immonen does not teach the method of claim 7, further comprising: sending information to and receiving information from the access terminal after negotiating a parameter group of the associated parameter group type when the first and second accessing steps fail to access a stored parameter group of the associated parameter group type for the access terminal.

30.   Bender teaches a similar system comprising negotiating parameters between an access terminal and an access network (Col 11, lines 40-49; Col 14, lines 29-36, 48-64).

31.   Even though Immonen does not explicitly teach of failing to access a stored parameter group, it would have been obvious to one of ordinary skill in the art that the access terminal would not be able to obtain a stored parameter group if the access terminal does not initially have a stored parameter group. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Immonen, Rasanen, and Bender because the teachings of Bender to negotiate parameters between the access terminal and the access network would improve the system of Immonen and Rasanen by allowing the access

terminal to set and accept values for each protocol sent by the access network for

communication (Col 15, lines 1-8).

32.   As per claims 9, 10 and 17, Immonen does not teach the method , further comprising:

sending the access terminal a new token indicating a current parameter group of each

parameter group type after negotiations are complete.

33.   Bender teaches a similar system comprising negotiating parameters between an access

terminal and an access network, wherein current parameter group of each parameter group

type is sent to the access terminal (Col 11, lines 40-49; Col 14, lines 29-36, 48-64; Col 14, line

65 – Col 15, line 8).

34.   It would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of Immonen, Rasanen, and Bender because the teachings of

Bender to negotiate parameters between an access terminal and an access network, wherein

current parameter group of each parameter group type is sent to the access terminal improve

the system of Immonen and Rasanen by allowing the access terminal to set and accept values

for each protocol sent by the access network for communication (Col 15, lines 1-8).

Conclusion

35.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

36.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can

normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

37.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

38.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 28, 2006
JJ

JOHN FOLLANSBEE
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